




To the Honorable Council  
City of Norfolk, Virginia

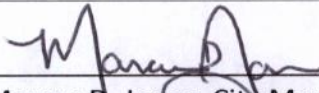
October 13, 2015

From: David L. Ricks, Director of Public Works

**Subject:** Approve the Relocation,  
Vacation and Release of an  
Easement Previously Granted to  
Verizon Virginia LLC

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 4/7

Approved:   
Marcus D. Jones, City Manager

**Item Number:** **R-7**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** City of Norfolk, Department of Public Works
- III. **Description:**  
This agenda item is an ordinance approving the relocation, vacation, and release of easement previously granted to Verizon Virginia LLC (Verizon).
- IV. **Analysis:**  
To accommodate the construction of the HRT Bus Transfer Station located off Saint Pauls Blvd., it was necessary to relocate existing telecommunication facilities owned by Verizon. Since these existing facilities were located in an easement granted by the previous property owner, the easement has to be relocated to a new location and vacated from the previous location.
- V. **Financial Impact:**  
There are no costs associated with the relocation, vacation, and release of this easement.
- VI. **Environmental:**  
There are no known environmental issues associated with relocation, vacation, and release of this easement.

**VII. Community Outreach/Notification:**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action:**

N/A

**IX. Coordination/Outreach**

This letter and ordinance have been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works and City Attorney's Office:

- Ordinance
- Exhibit A (Resubdivision plat)
- Exhibit B (Verizon's 1962 easement)
- Exhibit C (Plat showing Verizon's relocated easement)
- Exhibit D (Easement Relocation Agreement)

Form and Correctness Approved: *RAP*

By *Nathaniel Seaman*

Office of the City Attorney

Contents Approved:

By *AS*

DEPT. Public Works

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE APPROVING THE RELOCATION, VACATION AND RELEASE OF A VERIZON EASEMENT LOCATED OVER CITY-OWNED PROPERTY BETWEEN ST. PAUL'S BOULEVARD, FENCHURCH STREET AND WOOD STREET IN ACCORDANCE WITH THE EASEMENT RELOCATION AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT RELOCATION AGREEMENT ON BEHALF OF THE CITY.

- - -

WHEREAS, the City of Norfolk ("Norfolk") owns certain property located between St. Paul's Boulevard, Fenchurch Street and Wood Street in the City of Norfolk, ("Property"), said property being shown on the plat entitled, "Resubdivision Plat of Property Owned by the City of Norfolk, Account Number 31369405, 300 St. Paul's Boulevard, City of Norfolk, Virginia," dated December 1, 2014, prepared by Vanesse Hangen Brustlin, Inc., a copy of which is attached as Exhibit A; and

WHEREAS, Verizon Virginia LLC ("Verizon"), as successor in interest to the Chesapeake and Potomac Telephone Company of Virginia, has a 10 foot utility easement and right-of-way ("1962 Easement") over the Property to construct, operate, maintain, replace and remove a communication system, said 1962 Easement having been granted by Jamsons Realty Company, Inc., by deed of



easement dated November 16, 1962, recorded in the Norfolk Circuit Court Clerk's Office on January 25, 1963, a copy of which is attached hereto as Exhibit B; and

WHEREAS, the City has constructed a new bus transfer station on the Property, a portion of which is located on the 1962 Easement, and the City has requested that Verizon relocate its 1962 Easement to the location shown on the plat entitled "Exhibit Showing Relocated Verizon Easement," a copy of which is attached hereto as Exhibit C; and

WHEREAS, Verizon and the City are agreeable to the relocation, vacation and release of Verizon's 1962 Easement in accordance with the terms and conditions of the Easement Relocation Agreement ("Agreement"), a copy of which is attached hereto as Exhibit D; now, therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the relocation, vacation and release of Verizon's 1962 Easement in accordance with the terms and conditions of the Agreement is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are hereby authorized to execute the Agreement on behalf of the City and to do all things necessary and proper, including the recordation of the Agreement and any other necessary documents, to effect the relocation, vacation and release of Verizon's 1962 Easement.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Agreement as he may deem necessary, consistent with the intent of the Council as expressed herein.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

# Owner's Consent

THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND: PROPERTY OWNED BY CITY OF NORFOLK ACCOUNT NUMBER 31369405 300 SAINT PAULS BOULEVARD CITY OF NORFOLK, VIRGINIA IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY:

OWNER: CITY OF NORFOLK

APPROVED: [Signature] DATE: 1/22/15  
RONALD H. WILLIAMS, JR., DEPUTY CITY MANAGER

APPROVED: [Signature] DATE: 1/22/15  
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

## Certificate Of Notarization

COMMONWEALTH OF VIRGINIA  
CITY OF NORFOLK

I, [Signature] A NOTARY PUBLIC, IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT RONALD H. WILLIAMS, JR., ASSISTANT CITY MANAGER AND R. BRECKENRIDGE DAUGHTREY, CITY CLERK, WHOSE NAME(S) ARE SIGNED TO THE FOREGOING WRITING BEARING DATE 20th DAY OF JANUARY, 2015, HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 20th DAY OF JANUARY, 2015.  
SIGNED: [Signature] MY COMMISSION EXPIRES 08/31/18

7056192  
NOTARY REGISTRATION NUMBER AND SEAL



## Source of Title

THE PROPERTY ENCOMPASSED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED TO THE CITY OF NORFOLK FROM DOWNTOWN PLAZA ASSOCIATES BY INSTRUMENT DATED JANUARY 15, 2004 AND RECORDED IN INSTRUMENT NUMBER 040001907 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA.

## Area Table

PARCEL B-1	283,807 S.F.	6.5153 ACRES
PARCEL C-1	132,243 S.F.	3.0339 ACRES
PARCEL C-2	91,048 S.F.	2.0901 ACRES
TOTAL PARCEL AREA	507,098 S.F.	11.6413 ACRES
RIGHT-OF-WAY DEDICATION	28,196 S.F.	0.6473 ACRES
TOTAL SUBDIVIDED AREA	535,292 S.F.	12.2886 ACRES

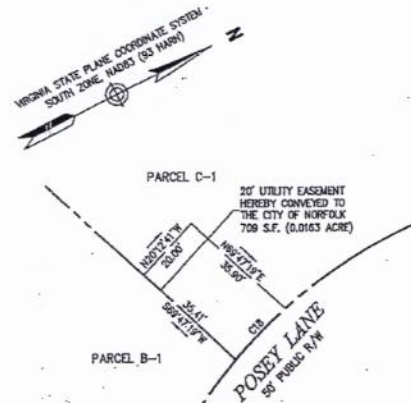
## Director's Certification

THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED. BY SUCH APPROVAL, THE UNDERSIGNED DO NOT CERTIFY AS TO THE CORRECTNESS OF THE BOUNDARY, STREETS OR OTHER LINES SHOWN ON THIS PLAT.

APPROVED: [Signature] DATE: 1/22/15  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
CITY OF NORFOLK, VIRGINIA

APPROVED: [Signature] DATE: 1/22/15  
DEPARTMENT OF PUBLIC WORKS  
CITY OF NORFOLK, VIRGINIA

APPROVED: [Signature] DATE: 1/21/2015  
DEPARTMENT OF UTILITIES  
CITY OF NORFOLK, VIRGINIA



Detail  
SCALE: 1"=20'

CURVE DATA TABLE						
SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C18	20.02'	145.00'	007°54'41"	10.03'	20.01'	S18°56'01"E

## General Notes

- THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY BY VHB, INC. AND FROM DEEDS AND PLANS OF RECORDS.
- THE MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON THE VIRGINIA COORDINATE SYSTEM OF 1983, SOUTH ZONE (NAD 83) (1983 HARN) AND ARE BASED ON CITY OF NORFOLK CONTROL MONUMENTS GPS066, GPS026, LRS AND VA122-0066.
- THE TOTAL AREA ENCOMPASSED WITHIN THIS SUBDIVISION = 535,292 SQ. FT OR 12.2886 ACRES.
- THIS PROPERTY IS IN FLOOD ZONE X (AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), ZONE X SHADDED (AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR DRAINAGE AREAS LESS THAN 1 SQUARE MILE) AND AE (ELEV. 7.6) AS INDICATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF NORFOLK, VIRGINIA HAVING COMMUNITY PANEL NUMBERS 510104 0130F, DATED SEPTEMBER 2, 2009.
- THE PROPERTY IS CURRENTLY ZONED C-3 (RETAIL CENTER DISTRICT).
- ALL PROPERTY AND ROAD MONUMENTS WILL BE SET AT THE CONCLUSION OF CONSTRUCTION.



COPYRIGHT AND THE MAP PEOPLE PERMITTED USE NUMBER 20907171  
VICINITY MAP: 1" = 1000'

## Surveyor's Certification

I, DAVID W. ANDREA, A LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME, THE UNDERSIGNED, AT THE DIRECTION OF THE OWNER, AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY DEED DESCRIBED BELOW, AND THAT CONCRETE STEEL PINS, AS SPECIFIED BY THE SUBDIVISION REGULATIONS OF THE CITY OF NORFOLK, VIRGINIA ARE ACTUALLY IN PLACE AT POINTS MARKED THIS "B", AND/OR AS SHOWN ON THE ACCOMPANYING LEGEND, AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN.

[Signature] 12-4-14  
DAVID W. ANDREA DATE



MB.73 PG.46 1-26-2015

State Of Virginia  
City of Norfolk to Wit:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, ON THE 26th DAY OF JANUARY, 2015, AT 9:51, THIS PLAT WAS THIS DAY RECEIVED AND UPON CERTIFICATE OF ACKNOWLEDGEMENT, THERETO ANNEXED, ADMITTED TO RECORD IN MAP BOOK 73 PAGE 46.

TESTE: [Signature] George R. Schaefer, Clerk  
CLERK

BY: [Signature] [Signature] D.C.  
FILE # 33664nd-1.dwg

Resubdivision Plat of  
Property Owned by

City of Norfolk

Account Number 31369405

300 Saint Pauls Boulevard

City of Norfolk, Virginia

DATE: 12/01/14	SHEET 1 OF 2	SCALE: 1"=50'
PROJECT NO: 33664.00	DRAWN BY: DWP	CHECKED BY: DWA

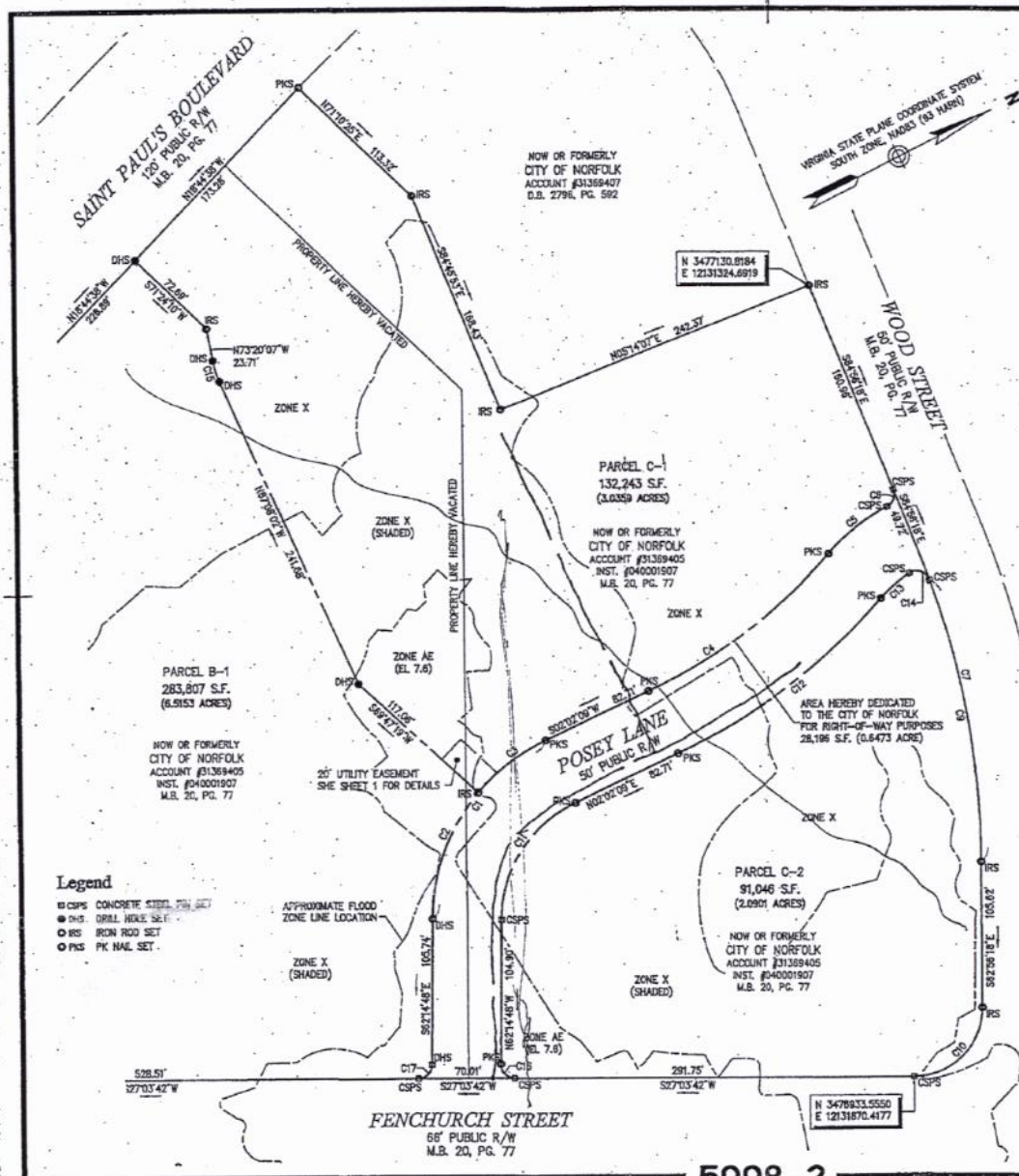


Vanasse Hangen Brustlin, Inc.

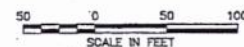
Transportation  
Land Development  
Environmental Services

Two Columbus Center  
4500 Main Street, Suite 400  
Virginia Beach, Virginia 23462  
757 490 0132 - FAX 757 490 0136





CURVE DATA TABLE						
SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	162.68'	145.00'	06°47'57"	91.10'	154.28'	S30°06'19"E
C2	99.86'	145.00'	03°27'26"	52.00'	97.80'	S42°31'05"E
C3	82.83'	145.00'	02°49'31"	31.91'	82.34'	S10°22'36"E
C4	167.08'	397.42'	02°05'17"	84.79'	165.86'	S10°00'30"E
C5	54.60'	145.00'	02°13'42"	27.83'	54.28'	S11°15'55"E
C6	14.74'	10.00'	08°27'37"	9.08'	13.44'	S42°42'29"E
C7	209.05'	600.00'	01°57'55"	105.61'	208.02'	N72°55'15"W
C8	230.35'	800.00'	02°20'00"	116.53'	228.97'	S73°36'18"E
C10	78.54'	50.00'	09°00'00"	50.00'	70.71'	N17°58'16"W
C11	106.58'	65.00'	06°41'55"	59.89'	101.06'	N30°05'19"W
C12	188.10'	447.42'	02°05'17"	95.48'	188.72'	N10°00'30"W
C13	27.72'	95.00'	01°43'13"	13.96'	27.83'	N13°41'32"W
C14	17.88'	10.00'	102°25'42"	12.44'	15.59'	N45°32'56"E
C15	16.02'	66.50'	01°34'55"	8.80'	15.89'	S80°14'05"E
C16	15.83'	10.00'	09°04'30"	10.12'	14.23'	S72°24'27"W
C17	15.56'	10.00'	08°18'30"	9.88'	14.06'	S17°35'33"E



MB.73 PG.47 1-26-2015

State Of Virginia  
City of Norfolk to Wit:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, ON THE 24th DAY OF January, 2015, AT SEEL, THIS PLAT WAS THIS DAY RECEIVED AND UPON CERTIFICATE OF ACKNOWLEDGEMENT, HERETO ANNEXED, ADMITTED TO RECORD IN MAP BOOK 12, PAGE 47.

TESTE: George E. Schaefer, C.  
CLERK

BY: Justin J. Fennell, D.C.

FILE # 33664ad-1.dwg

Resubdivision Plat of  
Property Owned by

**City of Norfolk**

Account Number 31369405

300 Saint Pauls Boulevard

City of Norfolk, Virginia

DATE: 12/01/14	SHEET 2 OF 2	SCALE: 1"=50'
PROJECT NO: 33664.00	DRAWN BY: DWP	CHECKED BY: DWA



**Vanasse Hangen Brustlin, Inc.**

Transportation  
Lead Development  
Environmental Services  
Two Columbus Center  
4500 Main Street, Suite 400  
Virginia Beach, Virginia 23462  
757 490 0132 • FAX 757 490 0136

**Legend**

- CHS CONCRETE STAKE
- DHS DRILL HOLE SET
- IRS IRON ROD SET
- PKS PK NAIL SET

APPROXIMATE FLOOD  
ZONE LINE LOCATION

ZONE X  
(SHADED)

FENCHURCH STREET  
66' PUBLIC R/W  
M.B. 20, PG. 77

PARCEL C-1  
132,243 S.F.  
(3.0359 ACRES)

NOW OR FORMERLY  
CITY OF NORFOLK  
ACCOUNT #31369405  
INST. #040001907  
M.B. 20, PG. 77

PARCEL B-1  
283,807 S.F.  
(6.5153 ACRES)

NOW OR FORMERLY  
CITY OF NORFOLK  
ACCOUNT #31369405  
INST. #040001907  
M.B. 20, PG. 77

PARCEL C-2  
91,046 S.F.  
(2.0901 ACRES)

NOW OR FORMERLY  
CITY OF NORFOLK  
ACCOUNT #31369405  
INST. #040001907  
M.B. 20, PG. 77

N 3477130.8184  
E 12331354.6919

N 3478933.5550  
E 12131870.4177

EXHIBIT B TO ORDINANCE

915

RECEIVED OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, One Dollar (\$1.00) in consideration of which the undersigned hereby grant and convey unto said Company, its successors, assigns, lessees and agents, a right of way and easement to construct, operate, maintain, replace and remove a communication system consisting of such fixtures, wires, cables and other appurtenances as the grantees may from time to time require upon, across and through the land known as Downtown Plaza Shopping Center, located east of St. Paul Boulevard, west of Fenchurch Street and south of Wood Street, in the City of Norfolk, Virginia; the center line of the easement and right of way herein granted being shown upon a certain plat hereunto attached, marked "Exhibit A", and made a part hereof; being an easement 6 feet in width for the installation, maintenance and operation of underground telephone conduits and manholes to be located as shown on said plat; together with a further easement and right of way of ingress and egress for installation and maintenance purposes over an additional 2 foot strip of land on each side of said 6 foot easement and right of way

3d first above granted.

~~The Company agrees to relocate its facilities at~~

~~its own expense to conform with future improvements.~~

ABOVE  
BUILT IN 2

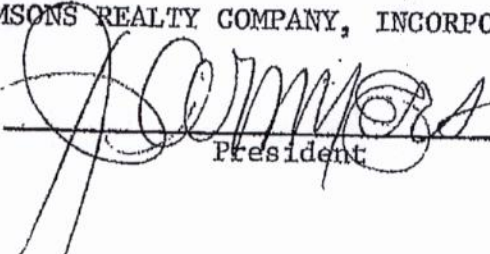
PCN



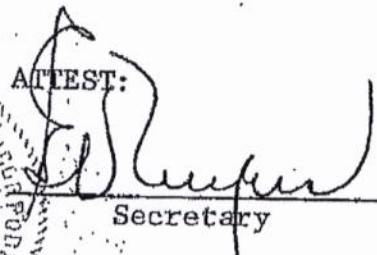
IN WITNESS WHEREOF, each party hereto has caused  
its signature to be affixed hereto under seal and pursuant  
to due authority, this 16th day of November, 1962.

JAMSON'S REALTY COMPANY, INCORPORATED

By

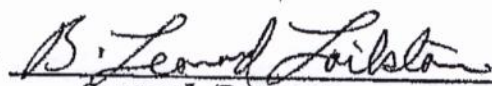
  
President

ATTEST:

  
Secretary

VIRGINIA FURNITURE CO.

By

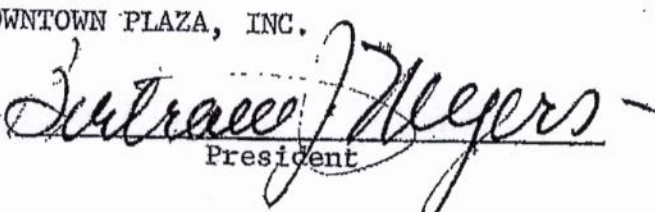
 (SEAL)  
General Partner

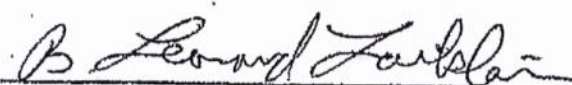
By

 (SEAL)  
General Partner

DOWNTOWN PLAZA, INC.

By

  
President

  
Secretary

STATE OF VIRGINIA,  
CITY OF NORFOLK, to-wit:

I, Robert C. Nusbaum, a notary public in  
and for the City of Norfolk, in the State of Virginia, whose  
commission expires May 20, 1963, do hereby certify  
that J. A. Myers and Bertram J. Myers, President and Secretary,  
respectively, of Jamsons Realty Company, Incorporated, whose  
names as such are signed to the foregoing writing bearing date  
on the 16th day of November, 1962, have acknowledged  
the same before me in my said City.

Given under my hand this 17th day of December, 1962.

Robert C. Nusbaum  
Notary Public

STATE OF VIRGINIA,  
CITY OF NORFOLK, to-wit:

I, Robert C. Nusbaum, a notary public in  
and for the City of Norfolk, in the State of Virginia, whose  
commission expires May 20, 1963, do hereby certify  
that B. Leonard Laibstain and Harry ~~Laibstain~~ Laibstain, General  
Partners of Virginia Furniture Co., whose names as such are  
signed to the foregoing writing bearing date on the 16th  
day of November, 1962, have acknowledged the same  
before me in my said City.

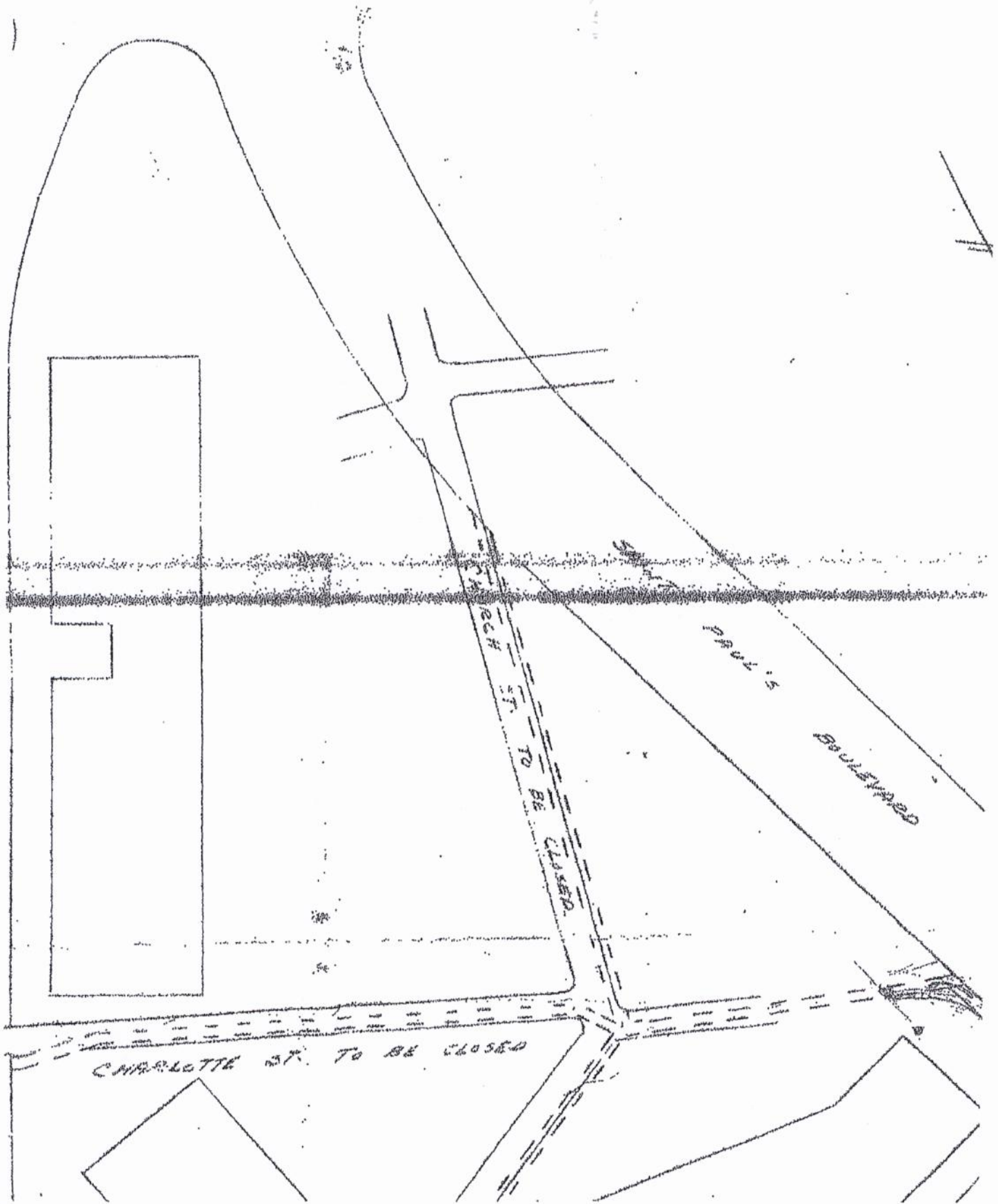
Given under my hand this 17th day of December, 1962.

Robert C. Nusbaum  
Notary Public

STATE OF VIRGINIA,  
CITY OF NORFOLK, to-wit:

I, Robert C. Nusbaum, a notary public in  
and for the City of Norfolk, in the State of Virginia, whose  
commission expires on the 20th day of May, 1963,  
do hereby certify that Bertram J. Myers and B. Leonard Laibstain,  
President and Secretary, respectively, of Downtown Plaza, Inc.,  
whose names as such are signed to the foregoing writing bearing  
date on the 16th day of November, 1962, have acknowledged  
the same before me in my said City.

Given under my hand this 17th day of December, 1962.





VIRGINIA:

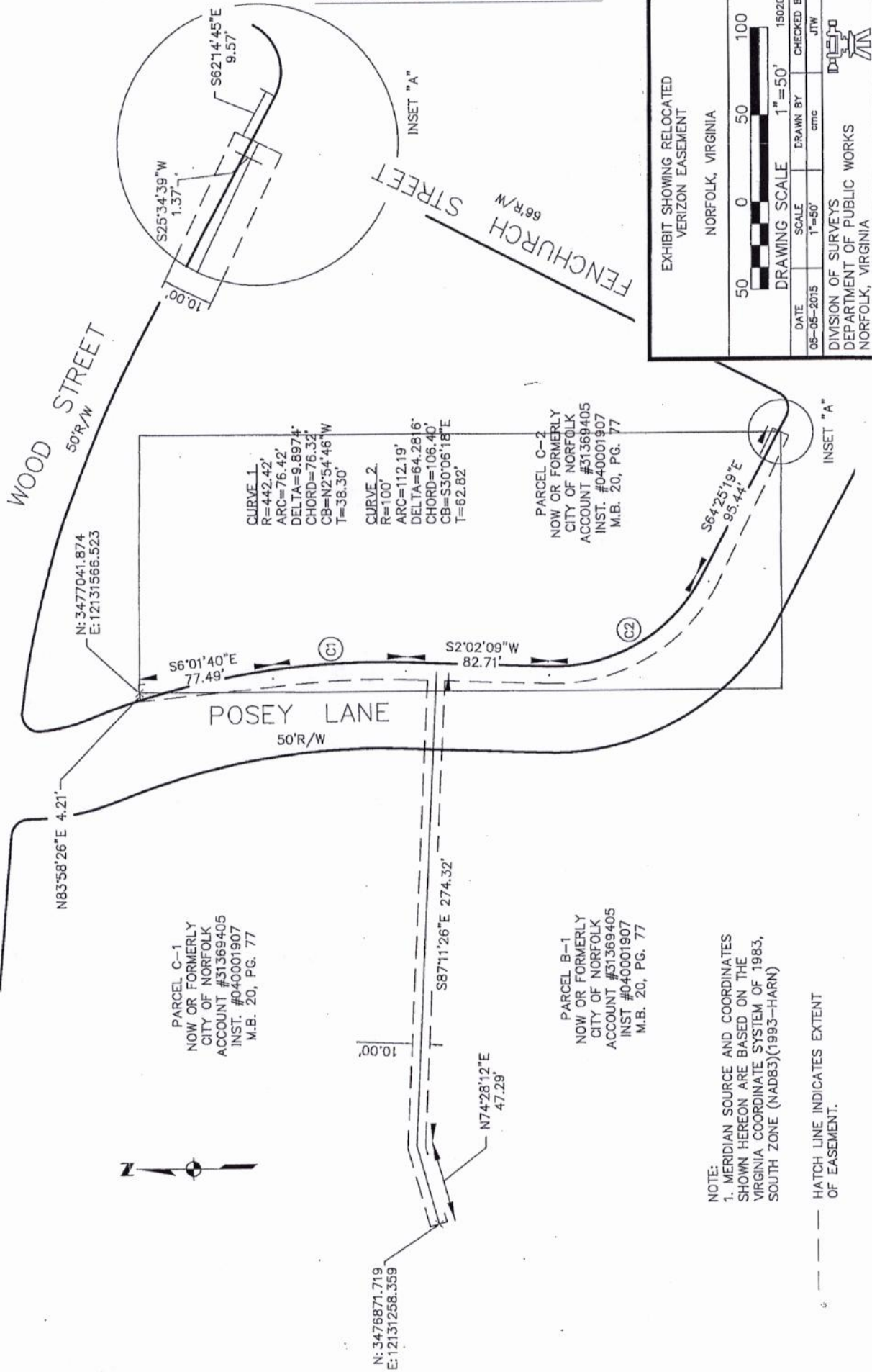
In the Clerk's Office of the Corporation Court of the City of  
Norfolk, on the 25<sup>th</sup> day of January 1963 at 12:30 P.M.  
Easement with Plat attached  
This ~~Deed~~ was this day received and upon certificate  
of acknowledgment, thereto annexed, admitted to record.

TESTE: W. L. PRIEUR, Jr., Clerk

By Deputy S. Avery D. C.

D8125

# EXHIBIT C TO ORDINANCE



## EXHIBIT D TO ORDINANCE

Prepared by: Office of the Norfolk City Attorney  
Nathaniel Beaman IV, Deputy City Attorney (VSB #18486)  
Return to: Office of the Norfolk City Attorney  
Tax Map Reference No.: 3136-9405

This Agreement is exempt from recordation taxes imposed  
by Section 58.1-801 of the Code of Virginia, 1950,  
as amended, pursuant to Section \_\_\_\_\_.

**THIS EASEMENT RELOCATION AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia ("City"), as **Grantor** and **Grantee**, whose address is 810 Union Street, Norfolk, Virginia 23510, and **VERIZON VIRGINIA LLC** ("Verizon"), as **Grantor** and **Grantee**, whose address is 22001 Loudoun County Parkway, Ashburn, VA, 20147.

### WITNESSETH:

WHEREAS, the City owns certain property located between Saint Paul's Boulevard, Fenchurch Street, and Wood Street in the City of Norfolk ("Property"), said Property being shown on the plat entitled, "Resubdivision Plat of Property Owned by City of Norfolk, Account Number 31369405, 300 Saint Paul's Boulevard, City of Norfolk, Virginia," dated December 1, 2014, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is attached as **Exhibit A**; and

WHEREAS, Verizon, as successor in interest to Chesapeake and Potomac Telephone Company of Virginia, has a 20 foot utility easement and right of way ("1962 Easement") over the Property to construct, operate, maintain, replace and remove a communication system, said 1962 Easement having been granted by Jamsons Realty Company, Inc., by deed of easement dated November 16, 1962, recorded in the Norfolk Circuit Court Clerk's Office on January 25, 1963, a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, the City has constructed a new bus transfer station on the Property, a portion of which is located on the 1962 Easement, and the City has requested that Verizon relocate its 1962 Easement to the location shown on **Exhibit C**, attached hereto ("2015 Easement"); and



WHEREAS, Verizon is willing to relocate its 1962 Easement upon certain conditions, to which the City is agreeable.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Verizon and the City hereby agree to relocate the 1962 Easement as follows:

1. Verizon's current 1962 Easement is hereby relocated as shown on Exhibit C, with a portion of Verizon's facilities located in the 2015 Easement over City-owned property and the remaining portion of Verizon's facilities located in the right of way of Posey Lane.
2. The Verizon facilities located in the 2015 Easement and in the right of way of Posey Lane shall be for the purpose of constructing, operating, maintaining, replacing and removing a communication system consisting of such fixtures, wires, cables and other appurtenances as Verizon may from time to time require.
3. The rights granted to Verizon in this Easement Relocation Agreement shall be fully consistent with the rights granted to Verizon by virtue of the 1962 Easement, it being the intention of the parties to relocate Verizon's facilities upon the same terms and conditions and without prejudice to Verizon's existing rights and privileges, including without limitation such free and unlimited access to, egress and ingress in, from and over all points of said easement area, without notice to Grantor, as is reasonable and necessary for the full use, occupancy and enjoyment of said easement. However, inasmuch as certain of Verizon's facilities will be located in the right of way of Posey Lane, Verizon shall give Grantor as much prior notice of its need to access such facilities as is reasonable under the circumstances.
4. The facilities constructed by Verizon shall remain the property of Verizon. Verizon shall have the right to inspect, repair, improve, and make such changes and alterations to its facilities as are consistent with the purposes expressed herein. All construction, maintenance, equipment and facilities shall comply with all applicable laws, ordinances, codes and regulations.
5. Upon completion of any activity by Verizon within the 2015 Easement or the right of way of Posey Lane, Verizon shall restore the area as nearly to its original condition as practicable, including backfilling of trenches, reseeding or resodding of lands, and removal of trash and debris. Verizon shall maintain its facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the City's property and adjacent properties.
6. With two (2) weeks prior notice to and consultation with the appropriate City officials, and subject to any applicable laws, ordinances, codes or regulations, Verizon shall have the right to trim, cut and remove trees, shrubbery or other natural obstructions on, under or over the 2015 Easement which interfere with or threaten the efficient and safe operation, construction or maintenance of its facilities. All

brush, branches, and other debris resulting from any cutting, trimming, or clearing of said 2015 Easement shall be removed from the City's property and shall be properly disposed of by Verizon.

7. Verizon shall exercise its rights hereunder in such manner as shall not occasion injury or inconvenience to the City. Verizon shall, at City's election, pay for or repair any injury to any of City's land, structures, roads, and other improvements caused by Verizon, its employees, agents or contractors. Verizon shall notify City immediately of any such injury and shall make said payment or repair within thirty (30) days after such election by the City; provided, however, that if such injury results in an on-going hazardous condition or a material loss of use of City's property, then Verizon shall immediately remedy the hazardous condition or material loss of use.
8. City, its successors and assigns, may use or cross said 2015 Easement for any purpose as long as such use or crossing is not inconsistent with the rights granted to Verizon herein.
9. Verizon shall be responsible for any personal injury or property damage resulting from the negligence of its employees and agents in the use of the 2015 Easement.
10. If Verizon at any time discontinues use of the 2015 Easement for a period of one year, Verizon shall notify the City and discuss whether there is a continued need for the 2015 Easement.
11. The rights granted by this Easement Relocation Agreement are intended to be solely for the benefit of Verizon. No other use shall be permitted without the express written consent of the City, which consent the City shall be under no obligation to give. Consent shall be evidenced by an amendment to this Easement Relocation Agreement, approved and executed with the same formality as this Easement Relocation Agreement, and shall be subject to all conditions therein set out, provided that such consent shall not be required for Verizon to permit use or occupancy of its facilities by other communications providers as required or permitted by law.
12. NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.
13. Upon the request of the City, Verizon agrees to relocate its facilities in the 2015 Easement and the Posey Lane right of way to another portion of the City's land or to other public right of way, provided that (i) the proposed new easement area or public right of way is reasonably adequate for Verizon's purposes and is mutually satisfactory to both parties; and (ii) the City shall pay all costs of such relocation



and provide all necessary permits for such new easement area and approvals therefor.

14. Verizon hereby vacates and releases to the City the 1962 Easement in its entirety.

**(SIGNATURE PAGES TO FOLLOW)**



**CITY OF NORFOLK**

By: \_\_\_\_\_ [SEAL]  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

STATE OF VIRGINIA  
CITY OF NORFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that Marcus D. Jones, City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Deed of Easement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public [SEAL]

\_\_\_\_\_  
Registration No.

**Approved as to Contents:**

\_\_\_\_\_  
Director of Public Works

**Approved as to Form and Correctness**

\_\_\_\_\_  
Deputy City Attorney

VERIZON

By: \_\_\_\_\_

Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
GRANTOR OF NORFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City of \_\_\_\_\_, in the Commonwealth of Virginia, whose term of office expires on \_\_\_\_\_, do hereby certify that \_\_\_\_\_, \_\_\_\_\_ (title), on behalf of \_\_\_\_\_, whose name is signed to the foregoing Deed of Easement dated \_\_\_\_\_, has acknowledged the same before me in my City and State aforesaid. He/She is personally known to me or has produced a driver's license as identification.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

Registration No. \_\_\_\_\_

# Owner's Consent

THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND: PROPERTY OWNED BY CITY OF NORFOLK ACCOUNT NUMBER 31369405 300 SAINT PAULS BOULEVARD CITY OF NORFOLK, VIRGINIA IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

OWNER: CITY OF NORFOLK

APPROVED: Ronald H. Williams, Jr. DATE: 1/20/15  
RONALD H. WILLIAMS, JR., DEPUTY CITY MANAGER

APPROVED: R. Breckenridge Daughtrey DATE: 1/20/15  
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

## Certificate Of Notarization

COMMONWEALTH OF VIRGINIA  
CITY OF NORFOLK

I, Aurelia P. Truitt, A NOTARY PUBLIC, IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT RONALD H. WILLIAMS, JR., ASSISTANT CITY MANAGER AND R. BRECKENRIDGE DAUGHTREY, CITY CLERK, WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING BEARING DATE 20th DAY OF January, 2015, HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 20th DAY OF January, 2015.  
SIGNED: Aurelia P. Truitt MY COMMISSION EXPIRES 09/31/18

7056192  
NOTARY REGISTRATION NUMBER AND SEAL



## Source of Title

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED TO THE CITY OF NORFOLK FROM DOWNTOWN PLAZA ASSOCIATES BY INSTRUMENT DATED JANUARY 15, 2004 AND RECORDED IN INSTRUMENT NUMBER 040001907 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA

## Area Table

PARCEL B-1	283,807 S.F.	6.5153 ACRES
PARCEL C-1	132,243 S.F.	3.0359 ACRES
PARCEL C-2	91,046 S.F.	2.0901 ACRES
TOTAL PARCEL AREA	507,096 S.F.	11.6413 ACRES
RIGHT-OF-WAY DEDICATION	28,196 S.F.	0.6473 ACRE
TOTAL SUBDIVIDED AREA	535,292 S.F.	12.2886 ACRES

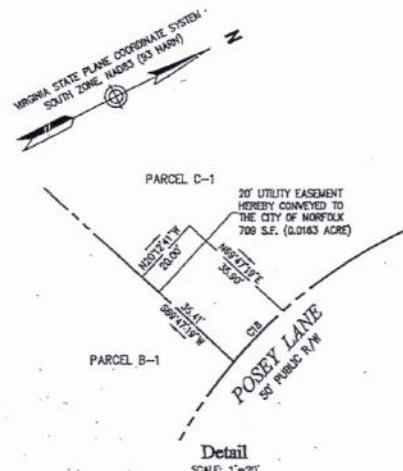
## Director's Certification

THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED, BY SUCH APPROVAL, THE UNDERSIGNED DO NOT CERTIFY AS TO THE CORRECTNESS OF THE BOUNDARY, STREETS OR OTHER LINES SHOWN ON THIS PLAT.

APPROVED: Sumi M. DATE: 1/20/15  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
CITY OF NORFOLK, VIRGINIA

APPROVED: John P. Ward DATE: 1/23/15  
DEPARTMENT OF PUBLIC WORKS  
CITY OF NORFOLK, VIRGINIA

APPROVED: Patricia N. Ouyala DATE: 1/21/2015  
DEPARTMENT OF UTILITIES  
CITY OF NORFOLK, VIRGINIA



CURVE DATA TABLE						
SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARINGS
C18	20.02'	145.00'	00°54'41"	10.03'	20.01'	S19°50'D1"E

## General Notes

1. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY BY VHB, INC. AND FROM DEEDS AND PLANS OF RECORDS.
2. THE MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON THE VIRGINIA COORDINATE SYSTEM OF 1983, SOUTH ZONE (NAD 83) (1983 HARN) AND ARE BASED ON CITY OF NORFOLK CONTROL MONUMENTS GPS066, GPS026, LRS AND VA122-0066
3. THE TOTAL AREA ENCOMPASSED WITHIN THIS SUBDIVISION = 535,292 SQ. FT OR 12.2886 ACRES
4. THIS PROPERTY IS IN FLOOD ZONE X (AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), ZONE X SHARED (AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR DRAINAGE AREAS LESS THAN 1 SQUARE MILE) AND AE (ELEV. 7.6) AS INDICATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF NORFOLK, VIRGINIA HAVING COMMUNITY PANEL NUMBERS 510104 0130F, DATED SEPTEMBER 2, 2009
5. THE PROPERTY IS CURRENTLY ZONED C-3 (RETAIL CENTER DISTRICT)
6. ALL PROPERTY AND ROAD MONUMENTS WILL BE SET AT THE CONCLUSION OF CONSTRUCTION



COPYRIGHT ADC THE MAP PEOPLE PERMITTED USE NUMBER 20907171  
VICINITY MAP: 1" = 1000'

## Surveyor's Certification

I, DAVID W. ANDREA, A LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME, THE UNDERSIGNED, AT THE DIRECTION OF THE OWNER, AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY DEED DESCRIBED BELOW, AND THAT CONCRETE STEEL PINS, AS SPECIFIED BY THE SUBDIVISION REGULATIONS OF THE CITY OF NORFOLK, VIRGINIA ARE ACTUALLY IN PLACE AT POINTS MARKED "P", AND/OR AS SHOWN ON THE ACCOMPANYING LEGEND, AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN.

DAVID W. ANDREA DATE: 12-4-14



MB.73 PG.46 1-25-2015

## State Of Virginia City of Norfolk to Wit:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, ON THE 26th DAY OF January, 2015, AT 9:52 A.M. THIS PLAT WAS THIS DAY RECEIVED AND UPON CERTIFICATE OF ACKNOWLEDGEMENT, THERETO ANNEXED, ADMITTED TO RECORD IN MAP BOOK 13 PAGE 46

TESTE: George R. Schaefer, Clerk  
CLERK

BY: Justin J. Finkbeiner, D.C.  
FILE # 33664ad-1.dwg

## Resubdivision Plat of Property Owned by

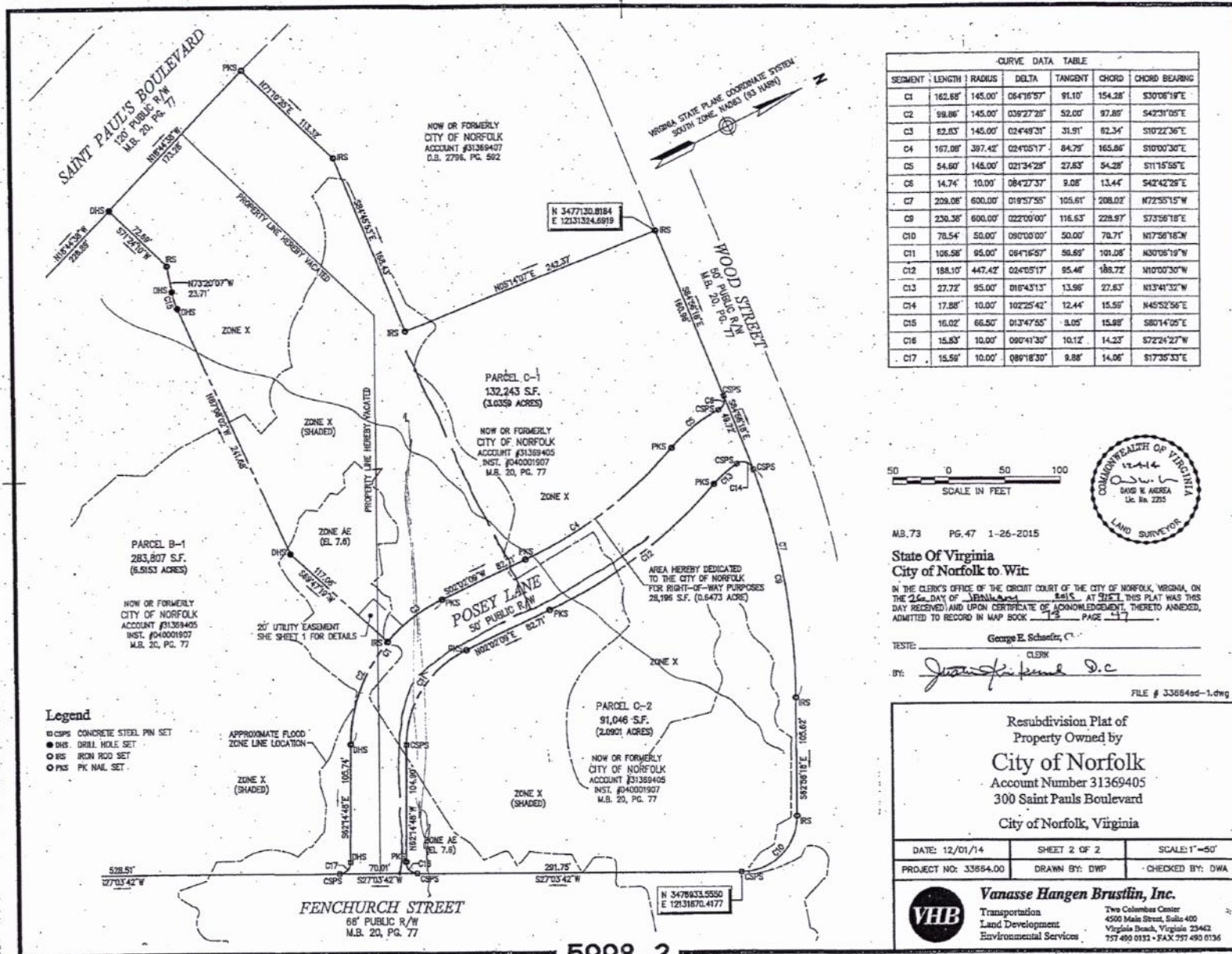
**City of Norfolk**  
Account Number 31369405  
300 Saint Pauls Boulevard  
City of Norfolk, Virginia

DATE: 12/01/14	SHEET 1 OF 2	SCALE: 1"=50'
PROJECT NO: 33664.00	DRAWN BY: DWP	CHECKED BY: DWA



**Vanasse Hangen Brustlin, Inc.**  
Transportation  
Lead Development  
Environmental Services  
Two Columbia Center  
4500 Main Street, Suite 400  
Virginia Beach, Virginia 23462  
757 490 0132 • FAX 757 490 0136





5998-2

PL.8

EXHIBIT B TO AGREEMENT

915

RECEIVED OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, One Dollar (\$1.00) in consideration of which the undersigned hereby grant and convey unto said Company, its successors, assigns, lessees and agents, a right of way and easement to construct, operate, maintain, replace and remove a communication system consisting of such fixtures, wires, cables and other appurtenances as the grantees may from time to time require upon, across and through the land known as Downtown Plaza Shopping Center, located east of St. Paul Boulevard, west of Fenchurch Street and south of Wood Street, in the City of Norfolk, Virginia; the center line of the easement and right of way herein granted being shown upon a certain plat hereunto attached, marked "Exhibit A", and made a part hereof; being an easement 6 feet in width for the installation, maintenance and operation of underground telephone conduits and manholes to be located as shown on said plat; together with a further easement and right of way of ingress and egress for installation and maintenance purposes over an additional 2 foot strip of land on each side of said 6 foot easement and right of way first above granted.

~~The Company agrees to relocate its facilities at its own expense to conform with future improvements.~~

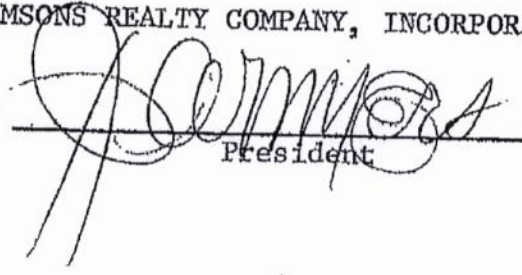
ABOVE  
BUILT IN 2



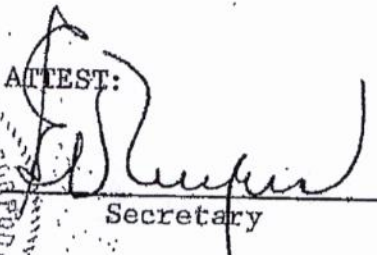
IN WITNESS WHEREOF, each party hereto has caused  
its signature to be affixed hereto under seal and pursuant  
to due authority, this 16th day of November, 1962.

JAMSON'S REALTY COMPANY, INCORPORATED

By

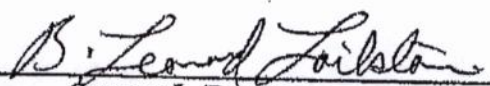
  
President

ATTEST:


  
Secretary

VIRGINIA FURNITURE CO.

By

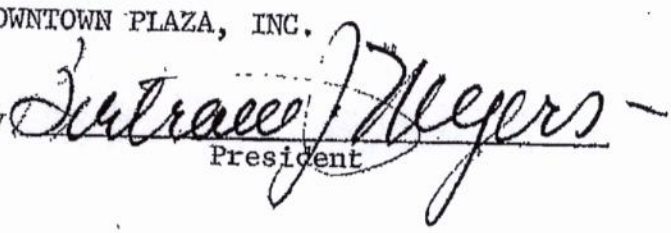
 (SEAL)  
General Partner

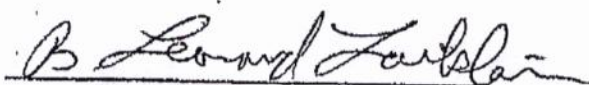
By

 (SEAL)  
General Partner

DOWNTOWN PLAZA, INC.

By

  
President

  
Secretary



STATE OF VIRGINIA,  
CITY OF NORFOLK, to-wit:

I, Robert C. Nusbaum, a notary public in  
and for the City of Norfolk, in the State of Virginia, whose  
commission expires May 20, 1963, do hereby certify  
that J. A. Myers and Bertram J. Myers, President and Secretary,  
respectively, of Jamsons Realty Company, Incorporated, whose  
names as such are signed to the foregoing writing bearing date  
on the 16th day of November, 1962, have acknowledged  
the same before me in my said City.

Given under my hand this 17th day of December, 1962.

Robert C. Nusbaum  
Notary Public

STATE OF VIRGINIA,  
CITY OF NORFOLK, to-wit:

I, Robert C. Nusbaum, a notary public in  
and for the City of Norfolk, in the State of Virginia, whose  
commission expires May 20, 1963, do hereby certify  
that B. Leonard Laibstain and Harry Laibstain, General  
Partners of Virginia Furniture Co., whose names as such are  
signed to the foregoing writing bearing date on the 16th  
day of November, 1962, have acknowledged the same  
before me in my said City.

Given under my hand this 17th day of December, 1962.

Robert C. Nusbaum  
Notary Public

STATE OF VIRGINIA,  
CITY OF NORFOLK, to-wit:

I, Robert C. Nusbaum, a notary public in  
and for the City of Norfolk, in the State of Virginia, whose  
commission expires on the 20th day of May, 1963,  
do hereby certify that Bertram J. Myers and B. Leonard Laibstain,  
President and Secretary, respectively, of Downtown Plaza, Inc.,  
whose names as such are signed to the foregoing writing bearing  
date on the 16th day of November, 1962, have acknowledged  
the same before me in my said City.

Given under my hand this 17th day of December, 1962.

VIRGINIA:

In the Clerk's Office of the Corporation Court of the City of  
Norfolk, on the 25<sup>th</sup> day of January 1963 at 12:30 P.M.  
Easement with Plat attached  
This ~~Deed~~ was this day received and upon certificate  
of acknowledgment, thereto annexed, admitted to record.

TESTE: W. L. PRIEUR, Jr., Clerk  
By Satsy L. Avery D. C.

# EXHIBIT C TO AGREEMENT

